



House of Representatives

General Assembly

File No. 381

January Session, 2015

Substitute House Bill No. 6877

House of Representatives, April 1, 2015

The Committee on Labor and Public Employees reported through REP. TERCYAK of the 26th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING A MINIMUM WORK WEEK FOR PERSONS PERFORMING JANITORIAL WORK.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2015*) (a) For purposes of this
2 section:

3 (1) "Covered employee" means any person employed by a covered
4 employer to perform janitorial work in or about a covered location.
5 Covered employee does not include (A) any person providing
6 janitorial work in or about a covered location solely on Saturday or
7 Sunday or both, or (B) any person with a disability, as defined in
8 section 4a-82 of the general statutes;

9 (2) "Covered employer" means any person, firm, business,
10 educational institution, nonprofit agency, corporation, limited liability
11 company or other entity, including the state or any political
12 subdivision thereof, that (A) (i) directly employs at least one individual

13 who performs janitorial work, or (ii) contracts or subcontracts for the
14 services of at least one individual who performs janitorial work, and
15 (B) owns or operates a covered location;

16 (3) "Covered leave" means any paid or unpaid temporary leave
17 voluntarily taken by a covered employee pursuant to (A) any
18 applicable state or federal law, (B) any written employee handbook, or
19 (C) written request initiated by the covered employee;

20 (4) "Covered location" means (A) a covered office location having an
21 area of not less than one hundred thousand square feet, (B) a
22 multifamily dwelling consisting of fifty or more units and containing
23 one or more elevators, (C) a private or public institution of higher
24 education, or (D) a museum, as defined in section 11-80 of the general
25 statutes;

26 (5) "Covered office location" means (A) an office building, (B) a
27 continuous, commonly owned office park, or (C) a group of office
28 buildings that (i) have common ownership or management, and (ii) are
29 contiguous or have consecutive addresses;

30 (6) "Janitorial work" means work performed in connection with the
31 care or maintenance of buildings, including, but not limited to, work
32 customarily performed by cleaners, porters, janitors and
33 handypersons;

34 (7) "Minimum work week" means the minimum number of
35 compensated hours provided to a covered employee in any work
36 week, except for weeks in which the covered employee is taking
37 covered leave; and

38 (8) "Work week" means a fixed, regularly recurring period of one
39 hundred sixty-eight hours or seven consecutive twenty-four-hour
40 periods.

41 (b) On and after January 1, 2016, the minimum work week for a
42 covered employee performing janitorial work for a covered employer
43 in or about a covered location shall be thirty hours per work week.

44 (c) Each covered employer shall provide notice to each covered
45 employee (1) of the entitlement to a minimum work week, and (2) that
46 the covered employee has a right to file a complaint with the Labor
47 Commissioner for any violation of this section. Covered employers
48 may comply with the provisions of this section by displaying a poster
49 in a conspicuous place, accessible to covered employees, at the covered
50 location and the covered employer's place of business that contains the
51 information required by this section in both English and Spanish. The
52 Labor Commissioner may adopt regulations, in accordance with
53 chapter 54 of the general statutes, to establish additional requirements
54 concerning the means by which covered employers shall provide such
55 notice.

56 (d) Any covered employee aggrieved by a violation of the
57 provisions of subsection (b) or (c) of this section may file a complaint
58 with the Labor Commissioner. Upon receipt of any such complaint,
59 said commissioner may hold a hearing. After the hearing, any covered
60 employer who is found by the Labor Commissioner, by a
61 preponderance of the evidence, to have violated the provisions of
62 subsection (b) of this section shall be liable to the Labor Department for
63 a civil penalty of up to five hundred dollars for the first violation and
64 up to one thousand dollars for any subsequent violation. Any covered
65 employer who is found by the Labor Commissioner, by a
66 preponderance of the evidence, to have violated the provisions of
67 subsection (c) of this section shall be liable to the Labor Department for
68 a civil penalty of up to one hundred dollars for each day that such
69 covered employer fails to post notice, provided such penalty shall not
70 exceed five hundred dollars. The Labor Commissioner may award the
71 covered employee all appropriate relief, including payment of back
72 wages. Any party aggrieved by the decision of the commissioner may
73 appeal the decision to the Superior Court in accordance with the
74 provisions of chapter 54 of the general statutes.

75 (e) The Labor Commissioner shall administer this section within
76 available appropriations.

77 (f) Nothing in this section shall be construed to (1) prevent any
78 covered employer from providing any covered employee with weekly
79 work hours in excess of thirty hours per work week, (2) diminish any
80 rights provided to any covered employee under the terms of the
81 covered employee's employment or a collective bargaining agreement,
82 or (3) preempt or override the terms of any collective bargaining
83 agreement effective prior to October 1, 2015.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	New section

LAB *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Labor Dept.	GF - Potential Revenue Gain	Up to 5,000	Up to 10,000
Various State Agencies	All Funds - Cost	See Below	See Below

Note: GF=General Fund; All Funds=All Funds

Municipal Impact:

Municipalities	Effect	FY 16 \$	FY 17 \$
Various Municipalities	Potential Cost	See Below	See Below

Explanation

The bill requires certain employers to provide a 30-hour minimum work week for employees performing janitorial work. This results in a cost to various state agencies, as well as a potential cost to municipalities. This also results in a potential revenue gain of up to \$5,000 in FY 16 and up to \$10,000 annually thereafter.

The Department of Administrative Services (DAS) is currently responsible for about 10% of the square footage owned or leased by the state and has 70 custodial contracts through Connecticut Community Providers Association (CCPA) that would be affected by the bill. In FY 14, CCPA contracts totaled \$2,667,274.¹ Although the bill exempts individuals with disabilities, not all workers on CCPA contracts have disabilities. Other state agencies that have care and control over their own buildings would experience similar costs and are not included in

¹ According to a CORE-CT run on March 26, 2015. This number may not include all CCPA contracts as coding for this account is not fully standardized across agencies.

the FY 14 CCPA contract total.

For any covered workers that are not working 30 hours per week, their hours would have to be increased. To the extent that an employer will be required to offer health insurance coverage under the federal Affordable Care Act and chooses to do so, the cost to provide health coverage and the additional hours worked would most likely be passed onto agencies in the form of higher maintenance and janitorial contract costs.

It is not known how many municipal custodians would be affected by the bill. It is anticipated that many municipalities do not own a building which 1) is 100,000 square feet; and 2) is an office building. For those that do own such buildings, there is potential cost if any of their custodians do not currently work for 30 hours per week.

The bill specifies that a janitorial worker aggrieved by an employer's failure to comply with the bill's provisions may file a complaint with the Department of Labor. An employer found to be in violation must pay up to a \$500 civil penalty for a first violation and \$1,000 for subsequent violations. It is anticipated that there will be fewer than 10 violations annually.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

*Sources: Core-CT Financial Accounting System
Department of Administrative Services*

OLR Bill Analysis**sHB 6877*****AN ACT CONCERNING A MINIMUM WORK WEEK FOR PERSONS PERFORMING JANITORIAL WORK.*****SUMMARY:**

Beginning January 1, 2016, this bill requires certain employers to provide a 30-hour minimum work week for their employees who perform work connected with the care or maintenance of certain large buildings, including work customarily performed by cleaners, porters, janitors, and handypersons ("janitorial work"). The requirement does not apply to employees who (1) only perform janitorial work in the buildings on weekends or (2) are disabled and eligible to participate in the state's janitorial work program for people with a disability or a disadvantage. Under the bill, a "work week" is a fixed, regularly recurring 168-hour period or seven consecutive 24-hour periods.

The bill establishes a notice requirement for the employers and allows an aggrieved employee to complain to the Department of Labor (DOL), which can impose civil penalties for violating the work week or notice requirements.

It also specifies that it does not (1) prevent an employer from providing more than a 30-hour work week, (2) diminish any rights provided to a janitorial worker under a collective bargaining agreement, or (3) preempt or override the terms of any collective bargaining agreement in effect on October 1, 2015.

EFFECTIVE DATE: October 1, 2015

COVERED EMPLOYERS AND BUILDINGS

The bill applies to employers, including the state and municipalities, which own or operate certain large buildings and their employees who

perform janitorial work in those buildings. The buildings are a:

1. location with at least a 100,000 square foot area, that is (a) an office building; (b) a continuous, commonly owned office park; or (c) a group of office buildings with common ownership or management and contiguous or consecutive addresses;
2. multifamily dwelling with at least 50 units and one elevator;
3. private or public higher education institution; or
4. museum.

Under the bill, any employer that owns or operates one of the above buildings must provide at least a 30-hour work week for their employees performing janitorial work in or about those buildings. (The bill's definition of covered employers includes employers who contract or subcontract for someone to perform janitorial work and own or operate a covered building. However, the 30-hour minimum work week requirement does not appear to apply to such a contractor or subcontractor's janitorial workers because the covered employer does not "employ" these workers.)

The 30-hour minimum work week requirement does not apply to weeks in which the employee is voluntarily taking any paid or unpaid temporary leave under (1) any federal or state law, (2) a written employee handbook, or (3) a written request initiated by the worker.

NOTICE AND ENFORCEMENT

The bill requires covered employers to provide notice about the 30-hour minimum work week and the janitorial workers' right to file a complaint with the DOL. They can comply by displaying a poster in a conspicuous, accessible place at the work site and the employer's place of business. The poster must contain the information in English and Spanish. The bill allows the labor commissioner to adopt regulations for additional notice requirements.

The bill allows a janitorial worker aggrieved by an employer's

failure to meet any of the bill's requirements to file a complaint with the labor commissioner, who can hold a hearing. After the hearing, an employer found in violation of the minimum work week requirement by a preponderance of the evidence must pay up to a (1) \$500 civil penalty to the DOL for the first violation and (2) \$1,000 civil penalty for any subsequent violation. An employer found in violation of the notice requirement by a preponderance of the evidence must pay a civil penalty of up to \$100 for each day of the violation, with a \$500 limit. The labor commissioner may also award the janitorial worker all appropriate relief, including back pay. Any party aggrieved by the decision may appeal to the Superior Court under the Uniform Administrative Procedure Act.

The labor commissioner must administer the bill within available appropriations.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 6 Nay 4 (03/12/2015)